

Appl. No. 10/594,410
Amendment dated 08/06/2008
Reply to Office Action of 03/06/2008

Remarks

Claims 1, 2, 5, and 6 have been canceled.

Claim 3 has been amended to include the average structure formula of the silicone polyether, as per previous claim 1.

Claim 3 has been further amended to define the amounts of components A, B, and C used to prepare the dispersion. Support for this amendment is found in paragraph [0017] of the specification.

Claim 3 has been further amended to define the particle size of the vesicles. Support for this amendment may be found in paragraph [0021].

Rejections under 35 U.S.C. 102

In the office action dated 03/06/2008, claims 1-9 were rejected as being anticipated by U.S. 2003/0040571 to Feng.

Claims 1-9 were further rejected as being anticipated by US 5,393,452 to Raleigh.

Applicant respectfully submits that the presently amended claims patentably distinguish from Feng and Raleigh. In particular, neither Feng or Raleigh disclose a process of combining only the claimed silicone polyether (components A), a water miscible volatile solvent (component B), and water in the amounts claimed to first form a dispersion, and then further mixing the dispersion to form vesicles having an average particle size of less than 0.5 micrometers.

Obviousness-type Double Patenting Rejection

Claims 1-9 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1,3-5 and 9-10 of co-pending Application No. 10/592,399.

Applicant submits herein a terminal disclaimer to overcome the provisional double patenting rejection.


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The present response is being submitted within the six month statutory period for response to the outstanding Office Action. Applicant authorizes the USPTO to charge deposit account 04-1520 for a two month extension and any additional fees that should be necessary to maintain the pendency of the application.

In view of the above, it is respectfully submitted that the claims are in condition for allowance. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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